

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Case No. _____

(to be filled in by the Clerk's Office)

Samuels, nee Her, Dylan Everett

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.

If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Warden Todd Buskirk, Northampton

County, Pennsylvania, US Government

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Samuel S. Meeker, Dylan Everett

All other names by which
you have been known:

ID Number

026070 / 25141

Current Institution

Address

Cecile Walnut

Easton

PA

18042

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Todd Buskirk

Job or Title (*if known*)

Warden

Shield Number

Employer

Northampton County Prison

Address

Cecile Walnut St.

Easton

PA

18042

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Northampton County

Job or Title (*if known*)

Attn: Lambert McClure

Shield Number

Employer

Address

6609 Washington St.

Easton

UPA

18042

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

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Defendant No. 3

Name

State of Pennsylvania

Job or Title (if known)

Attn: Tom Wolf

Shield Number

Employer

Address

Harrisburg

City

PA

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

US Government

Job or Title (if known)

Attn: Donald J. Trump

Shield Number

Employer

Address

1800 Pennsylvania Ave

District of Columbia DC

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14th right to Due process + 8th - Free from cruel + unusual

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

8th
14th

Blk of the funding supplied to Northampton County.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Prison officials have stated that they are not required to provide us access to legal resources

III. Prisoner Status *before our requests for security concerns.*

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Other (explain) Disciplinary Segregation

IV. Statement of Claim *- See attached pages*

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Attached

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Attached

C. What date and approximate time did the events giving rise to your claim(s) occur?

See Pages attached

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Pages attached

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

right to due process, meaningful access to courts +/or a reasonable alternative

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Provide access to legal resources facilities, and ~~US~~ ^{USD} 22,500 per defendant for the cost of legal representation we have been essentially deprived of. The Public Defender's office is not reasonable alternative.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Orally w/ officer on Duty per
regulations.

2. What did you claim in your grievance?

That I was not being given access
to legal research facilities

3. What was the result, if any?

No response / Evasive response

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

wrote to Jail Advisory Board per
Inmate Handbook - no response

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Requested access to law library + LEXIS -
No LIS - No response.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes
☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Meeher, ET AL

Defendant(s) Baskirk ET AL

2. Court (if federal court, name the district; if state court, name the county and State)

Eastern District of TX

3. Docket or index number

-

4. Name of Judge assigned to your case

Eugene Schmehl

5. Approximate date of filing lawsuit

1/23/21, 2/13/21, 2/24

6. Is the case still pending?

☒ Yes
☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

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☒ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Meekins

Defendant(s)

Bushirk, ETAL

2. Court (if federal court, name the district; if state court, name the county and State)

Eastern District PA

3. Docket or index number

unknown

4. Name of Judge assigned to your case

Schmehl

5. Approximate date of filing lawsuit

1/23, 2/1, 2/14, 2/24

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

3/23/18

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Samuel S. Meekins Dykew v. Everett
 20020125141
 666 Walnut St.
 Easton PA 18042
 City State Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

"Northampton's Apostasy"

And the people of Israel
did what was evil in the sight of
the Lord and served the Baals;
and they forsook the Lord... and they
provoked the Lord into anger.

Judges 2:11

If it may please the Court,

In this action, we the plaintiffs, allege that Northampton County Prison and Northampton County have intentionally failed to provide "meaningful access" to the courts or a "reasonable alternative" to Disciplinary Segregation Inmates to reduce costs and to prevent those inmates from knowing their rights as guaranteed by Federal Law. By failing to allow any access to the Lexis-Nexis Terminal, and by requiring inmates to only be able to obtain legal materials by request is a flagrant violation of U.S. ex rel Mayberry v. Prosser and Bounds v. Smith. Even if one knew exactly what materials were needed for any one legal situation, the definition of research provides for the ability to peruse materials in a manner that constitutes the

or by Prison officials providing a "reasonable alternative." (Bounds v. Smith) Thus, neither

the practice of requesting specific documents from the competent and good-natured Law

Librarian nor the reliance on her purely procedural legal advice constituted a "reasonable alternative." It appears as if N.C.P. has

designed a system that prevents the most vulnerable inmates from knowing their rights and thus the ability to protest the wholesale violation of those rights. The abuses described

herein represent violations of our 14th amendment right to due process, our right to equal protection under the law and our right as inmates to be

free from cruel and unusual punishments through the violation of other rights as guaranteed by

Federal Law.

As such, we the plaintiffs seek immediate, declaratory, preliminary and permanent injunctive relief to enjoin the defendant's conduct.

Compensatory damages of \$15,000 per defendant is sought; which represents the cost of a felony trial in Northampton County at this time. Punitive damages of \$7500 per defendant is sought; which would serve to deter similar abuses elsewhere from occurring and to punish County Officials for having had prevented us from having the ability to know our rights or defend ourselves of pending charges while in Disciplinary Segregation. Additionally, the following remedial measures are sought:

①. Access to the Lexis-Nexis computer upon request to prison officials.

②. Physical access to the law library and the ability to congregate, as P.S. inmates, through the adoption of a waiver system to indemnify the prison in exchange for said ability to congregate.

In summation, Northampton County Prison, appears to have created a notorious ~~system~~ depriving inmates the ability to know their rights and defend themselves under the banner of cost-reduction and security concerns.

Cumulatively, these decisions act to muzzle lawful protest and ~~do~~ provide for the County to profit off legal injustices. Thus, Northampton County has fallen abysmally short of any and all applicable means tests towards the question of what constitutes adequate legal research facilities or a "reasonable alternative." (Bands v. Smith) Immediate remedy through the aforementioned measures and through the awarding of money damages is needed to send a loud and clear message to those who seek to enrich themselves thru such shameful and scurrilous conduct.

Samuel S. Meeker

Samuel S. Meeker - 26020

Dyl v. Everett

Dyl v. Everett - 25141

3/23/18

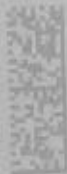
To whom this may concern,
Enclosed you will find a Civil
Action, along with 2 IFF's. One was
drawn up as we kept another.
Seeing as we are inmates we ask
for consideration on the Form
issue. The substitute includes all
relevant info and a certified
balance sheet. Please accept it
as this action is a good one.

The Plaintiffs

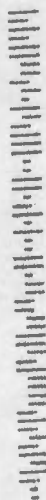
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ne/s.
6070
606 Walnut St.
Jaxton, PA 18812

Office of the Clerk
United States District Court
504 Hamilton Street
Allentown, PA 18101

Legen

INMATE MAIL